

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

ROBERT LARKINS, et al.,	:	Case No. 3:17-cv-169
	:	
Plaintiffs,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
FIFTH THIRD MORTGAGE COMPANY,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER RE: STIPULATION OF ALL PARTIES FOR  
AMENDMENT OF PLEADINGS (DOC. 4)**

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This case is before the Court on the Stipulation of All Parties for Amendment of Pleadings (the “Stipulation”) (Doc. 4). The parties have agreed that Plaintiffs Robert J. Larkins and Anne K. Larkins may amend their Complaint pursuant to Fed. R. Civ. P. 15(a)(2). They attach a copy of the proposed Amended Complaint, which is revised to include a citation to 12 CFR 1026.36(c)(3) in Paragraph 38.

Under Rule 15(a)(2), a plaintiff may amend his or her complaint “only with the opposing party’s written consent or the court’s leave.” Here, Plaintiffs have Defendant Fifth Mortgage Company’s written consent so they do not require the Court’s leave. Accordingly, Plaintiffs are directed to file their Amended Complaint (Doc. 4-1) in the docket within three business days of this Entry and Order. Defendants shall respond to the Amended Complaint as permitted by the Federal Rules of Civil Procedure.

**DONE and ORDERED** in Dayton, Ohio, this Friday, August 25, 2017.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE